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March 29, 2004

10/652,261

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Video-on-demand and targeted advertising

US File **20040045028**

Filed: August 29, 2003

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20040045028**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained (0022) (0020) at the client level (Set Top Box [STB]) in a client-server ad delivery system. (0018) The appropriate ads are selected through comparison of channel selection or keywords (0021) with the ad database. (0027) The ad databases are created at the server level and downloaded from a remote server (0027) and updated (0029) at the STB or PVR connected to users' television monitors. Selecting a channel (0029) or show on television, which is tantamount to placing a URL or keyword into a browser locator window, then makes a match with ad database (0036) data maintained at the computer STB/PVR in the remotely controlled and updated STB (0029) database and in the event a match is made by comparing content or keywords to the ad database or another voluntary user action an appropriate advertisement is displayed. (0027) This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

This embodiment is described in Claims 1, 5, 6, 10, 15, 19, 23 and others. Basing ad display based upon program selection comparisons, keywords, profiles or other voluntary users' actions is no different than selecting a URL in a browser or Keyword in a search engine. Whether a cable TV network or the internet or both, both are electronic communication networks. The system is described in (0018) (0019) (0020) (0022) (0025) (0027) (0029) (0034) and others.

The abstract reads in part, "Also provided is a real-time, single-user-targeted individualized advertising associated with the viewer selection that personalizes the user's iTV experience. The advertisements are targeted in real-time based on an immediate interest revealed by the user in a search request for content."

I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that while no prior art was supplied, no prior art was submitted with this filing correlating to the internet, also an electronic communication system, and only some broad references to server profiling systems. The filers are correct that a targeted system based on program selections, URLs, keywords or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references all of which precede the Application:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 8/29/2003 filing. The prior art listed all precede any references contained in this Application.

I believe the Examiner should look very closely at the Claims made and judge accordingly.





